
SENATE BILL No. 188

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-13.6-5-7; 4IC 5-16-11.1.

Synopsis: Qualification of public works professionals. Requires state agencies and a political subdivision to comply with certain procedures when acquiring the services of architects, engineers, and land surveyors. (Under current law, the procedures are not mandatory and do not apply to a state agency.)

Effective: July 1, 2010.

Boots

January 5, 2010, read first time and referred to Committee on Local Government.

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Second Regular Session 116th General Assembly (2010)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2009 Regular and Special Sessions of the General Assembly.

SENATE BILL No. 188

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-13.6-5-7 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 7. (a) Competitive bids
3 are not required for the acquisition of land or for professional services
4 relating to public works projects. In awarding contracts for professional
5 services relating to public works projects, the director shall **do both of**
6 **the following:**

7 **(1) Comply with IC 5-16-11.1.**

8 **(2)** Submit a recommendation to the commissioner, who shall
9 award a contract.

10 (b) In making a recommendation to the commissioner, the director
11 shall consider only the competence and the qualifications of the
12 persons offering to perform the professional services in relation to the
13 type of services to be performed. The department shall negotiate
14 compensation for performance of the professional services that the
15 commissioner determines is reasonable.

16 SECTION 2. IC 5-16-11.1-3, AS AMENDED BY P.L.2-2006,
17 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



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JULY 1, 2010]: Sec. 3. As used in this chapter, "public agency" includes ~~any of the following:~~

- (1) A state agency (as defined in IC 4-13-1-1).
- ~~(1)~~ (2) A political subdivision (as defined in IC 36-1-2-13).
- ~~(2)~~ (3) A municipally owned utility.
- ~~(3)~~ (4) A lessor corporation leasing a school building to a school corporation under IC 20-47-2 or IC 20-47-3. ~~or~~
- ~~(4)~~ (5) A lessor corporation constructing a public facility to be leased to a political subdivision.

SECTION 3. IC 5-16-11.1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 4. (a) When professional services are required for a project, a public agency ~~may~~ **shall do at least one (1) of the following:**

- (1) Publish notice in accordance with IC 5-3-1.
- (2) Provide for notice (other than notice in accordance with IC 5-3-1) as it determines is reasonably calculated to inform those performing professional services of a proposed project.
- (3) Provide for notice in accordance with both subdivisions (1) and (2). ~~or~~
- (4) Determine not to provide any notice.
- (b) If the public agency provides for notice under subsection (a)(1), (a)(2), or (a)(3), each notice must include **all of the following:**
 - (1) The location of the project.
 - (2) A general description of the project.
 - (3) The general criteria to be used in selecting professional services firms for the project.
 - (4) The place where any additional project description or specifications are on file.
 - (5) The hours of business of the public agency. ~~and~~
 - (6) The last date for accepting statements of qualifications from interested parties.

SECTION 4. IC 5-16-11.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 5. A public agency ~~may~~ **shall** make all contracts for professional services on the basis of competence and qualifications for the type of services to be performed and negotiate compensation that the public agency determines to be reasonable.

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